

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
CIVIL DIVISION

Robert Morris Sr.,
Plaintiff

Vs.

Rebecca Scheuer,
PA. Department of Corrections,
individually and in their official
capacities,
Reverend Lucas Hafeli,
in his individual capacity
Defendants

Case No.: 1:22-CV-00082-RAL

FILED

MAY 01 2023

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

COMPLAINT

I. JURISDICTION & VENUE

1. This is a civil action authorized by 42 U.S.C. section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. Section 1331 and 1343 (a)(3). Plaintiff Morris seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff Morris's claims for injunctive relief are authorized by 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure.
2. The Western District of Pennsylvania is an appropriate venue under 28 U.S.C. Section 1391 (b)(2) because it is where the events giving rise to this claim occurred.

II. PLAINTIFF

3. Plaintiff Robert Morris Sr., is and was at all mentioned herein a prisoner of Commonwealth of Pennsylvania in the custody of the Pennsylvania Department of Corrections. He can be reached at: Robert Morris Sr. - GN6124, SCI Albion, 10745 Route 18, Albion, PA 16475.

III. DEFENDANTS

4. Defendant Rebecca Scheuer, is the counselor for I-Block for the institution of Albion, and can be reached at: Rebecca Scheuer, SCI Albion, 10745 Route 18, Albion, PA 16475.

5. Defendant Reverend Lucas Hafeli is a chaplain for SCI Albion, and can be reached at: Reverend Lucas Hafeli, SCI Albion, 10745 Route 18, Albion, PA 16475.

6. Defendant PA Department of Corrections is the entity that the Plaintiff is confined in. The PA Department of Corrections is sued in their official capacity for injunctive and declaratory relief only, and can be reached at: Pennsylvania Department of Corrections, 1920 Technology Parkway, Mechanicsburg, PA 17050.

IV. THE FACTS

7. On July 4th, 2021, I wrote to Reverend Lucas Hafeli about an incident that took place in my Unit Manager's office. The incident was I had a Religious Crown that sat flush to my head and was told I had to get rid of it. Violating my First Amendment right to freedom to practise my religion.

8. The incident took place on July 1st, 2021, where Defendant Rebecca Scheuer told me my religious crown was contraband in front of Defendant Reverend Hafeli who said nothing, while Defendant Rebecca Scheuer told me to get rid of my religious crown because she deemed it to be contraband.

9. Defendant Hafeli agreed and did not deny Defendant Scheuer's claim of contraband. The Plaintiff had no choice but to discard his religious article.

10. The Plaintiff is being denied access to his religious rights and freedom to practise his religion.

11. In the PA Department of Corrections the inmates are not permitted services or religious articles anymore for the Rastafari religion. This effectively denies me access to practise my religion.

12. Defendant Rebecca Scheuer's order for me to destroy my sacred crown, violates my First Amendment rights to freedom of religion and expression.

13. The Pennsylvania Department of Corrections shows favoritism to the Islamic, Christian, and Jewish faiths.

14. The Pennsylvania Department of Corrections has denied me access to practise my religion and violated my Equal Protection rights, because similarly situated inmates are being allowed to practise their religion.

15. The sacred crown possessed by the plaintiff was legally his per DC-ADM Policy and was effeectively stolen by Defendants Scheuer and Hafeli. Who both work for the Pennsylvania Department of Corrections.

V. EXHAUSTION OF LEGAL REMEDIES

16. The Plaintiff, Robert Morris Sr., has exhausted all administrative remedies available to him.

VI. LEGAL CLAIMS

17. Plaintiff wishes to reallege and incorporate by reference paragraphs 1 - 16.

18. Defendant Rebecca Scheuer denied the Plaintiff access to freedom of religion in accordance with the First Amendment by ordering the Plaintiff to destroy his religious head garment, and impeding him from practicing his religion.

19. Defendant Lucas Hafeli stood by and did nothing, to include not making a report about Defendant Scheuer's actions. This violated the Plaintiff's right to practise his religion onder the First Amendment, and willfully denied the Plaintiff freedom to practice his religion.

20. The Pennsylvania Department of Corrections knew and acknowleged Rastafari religious articles rights. By not securing those rights for the Plaintiff, has denied him access to practice his religion. While similarly situated inmates are permitted to practise their religious beliefs. Thus violating the Plaintiff's First and Fourteenth Amendment rights as secured by the United States Constitution.

VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this court enters the following judgement:

21. Granting Plaintiff Robert Morris Sr., a declaration that the acts and omissions described herein violate his rights under the Constitution and laws of the United States, and

~~22. A preliminary and permanent injunction ordering Defendant Pennsylvania~~
Department of Corrections to cease and desist their denial of access to practice religious beliefs, and

23. Granting Plaintiff Robert Morris Sr. compensatory damages in the amount of \$75,000 against Defendants Rebecca Scheuer and Reverend Lucas Hafeli, jointly and severally, and

24. Plaintiff seeks punitive damages in the amount of \$75,000 against Defendants Rebecca Scheuer and Reverend Lucas Hafeli, jointly and severally.

25. Plaintiff also seeks a jury trial on all issues triable by jury,

26. Plaintiff also seeks recovery of his costs in this suit, and

27. Any additional relief this court deems just, proper, and equitable.

Dated: 4.27.23

Respectfully Submitted,

Robert Morris, Sr.

Robert Morris Sr.
GN6124
SCI Albion
10745 Route 18
Albion, PA 16475

VERIFICATION

I, Robert Morris Sr., verify that the foregoing is true and correct under the penalty of perjury.

Dated: 4/27/23

Robert Morris, Sr.
Robert Morris Sr.